

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

PRECISION RX COMPOUNDING, LLC.,
et al.,)
)
Plaintiffs,)
)
vs.) Case No. 4:16-CV-69-RLW
)
EXPRESS SCRIPTS HOLDING COMPANY,)
)
)
Defendant.)

MEMORANDUM AND ORDER

This matter is before the Court on the Motion to Withdraw as Counsel and for Stay (ECF No. 173) of Steven L. Bloch and the law firm of Silver Golub & Teitel LLP and Richard J. Quadrino, Eugene S.R. Pagano, and Harold J. Levy, and the law firm of Quadrino Law Group, P.C. (“Counsel”). The motion will be held in abeyance and the Court will hold a notice of withdrawal period until July 31, 2018. The Court will permit Counsel to withdraw from representation of Precision Rx Compounding, LLC and C&M Health Pro, LLC (collectively “Counterclaim Defendants”) on July 31, 2018, regardless of whether Counterclaim Defendants retain substitute counsel.

Generally, this Court will not allow counsel to withdraw from representation unless substitute counsel enters an appearance for the client. The Court finds that substitute counsel is particularly important in this instance because Counterclaim Defendants, as LLCs, cannot be pro se. “It has been the law for the better part of two centuries ... that a corporation may appear in the federal courts only through licensed counsel.” *Rowland v. Cal. Men's Colony, Unit II Men's Advisory Council*, 506 U.S. 194, 201–02, 113 S.Ct. 716, 121 L.Ed.2d 656 (1993). “[S]ave in a few aberrant cases, the lower courts have uniformly held that 28 U.S.C. § 1654 ... does not

allow corporations, partnerships, or associations to appear in federal court otherwise than through a licensed attorney.” *Id.* at 202.

Likewise, entry of default is an option in cases such as this where a corporate entity fails to obtain substitute counsel. “Entry of a default judgment is appropriate where a defendant corporation fails to comply with a court order to obtain counsel.” *United Fire & Cas. Co. v. Titan Contractors Serv., Inc.*, No. 4:10-CV-2076 CAS, 2014 WL 3805493, at *1 (E.D. Mo. Aug. 1, 2014) (quoting *R. Maganalal & Co. v. M.G. Chem. Co., Inc.*, No. 88 CIV. 4896 MJL THK, 1996 WL 715526 at *2 (S.D.N.Y. Dec. 12, 1996); *see Top Sales, Inc. v. Designer Vans, Inc.*, No. CIV.A. 3:96-CV-0721, 1997 WL 786254 at *2 (N.D.Tex. Dec. 11, 1997)).

Based upon the foregoing, the Court holds Counterclaim Defendants’ Counsel’s Motion for Leave to Withdraw as Counsel in abeyance until July 31, 2018. If Counterclaim Defendants fail to obtain substitute counsel within that time, they may be subject to a default judgment in favor of Express Scripts Holdings Company. *United Fire & Cas. Co.*, 2014 WL 3805493, at *2 (citing *Forsythe v. Hales*, 255 F.3d 487, 490–91 (8th Cir. 2001) (failure to engage in discovery and hire counsel admitted to practice before the district court for a period of twenty-five months provided ample basis for a grant of default judgment); *Ackra Direct Mktg. Corp. v. Fingerhut Corp.*, 86 F.3d 852, 856–57 (8th Cir. 1996) (corporate defendant was technically in default on date court allowed counsel to withdraw because a corporation cannot proceed pro se)). Counsel’s Motion to Withdraw from representation of Counterclaim Defendants will be granted when substitute counsel enters an appearance or on July 31, 2018, whichever occurs first.

Finally, the Court notes that this case has been going on since January 15, 2016 and is set for trial on January 7, 2019. The trial date has been moved on several occasions. **The January 7, 2019 date is a firm trial date and will not be changed.**

Accordingly,

IT IS HEREBY ORDERED that the Motion to Withdraw as Counsel and for Stay (ECF No. 173) of Steven L. Bloch and the law firm of Silver Golub & Teitell LLP and Richard J. Quadrino, Eugene S.R. Pagano, and Harold J. Levy, and the law firm of Quadrino Law Group, P.C. is held in abeyance. Counsel's Motion to Withdraw as counsel for Counterclaim Defendants will be held in abeyance and the Court imposes a withdrawal notice period until **July 31, 2018.**

IT IS FURTHER ORDERED that Precision Rx Compounding, LLC and C&M Health Pro, LLC shall obtain substitute counsel **no later than July 31, 2018.**

IT IS FURTHER ORDERED that Precision Rx Compounding, LLC and C&M Health Pro, LLC's substitute counsel, if any, shall file an entry of **appearance no later than July 31, 2018.**

IT IS FURTHER ORDERED that Counsel for Counterclaim Defendants shall provide a copy of this Memorandum and Order to Precision Rx Compounding, LLC and C&M Health Pro, LLC via first class mail, postage prepaid, and via email and file a notice with the Court of Counsel's compliance with this directive within ten days of this Memorandum and Order.

IT IS FINALLY ORDERED that on July 31, 2018, or upon entry of substitute counsel, whichever comes earlier, the Court will issue an order granting the motions to withdraw of Steven L. Bloch and the law firm of Silver Golub & Teitell LLP and Richard J. Quadrino, Eugene S.R. Pagano, and Harold J. Levy, and the law firm of Quadrino Law Group, P.C.

Dated this 28th day of June, 2018.


RONNIE L. WHITE
UNITED STATES DISTRICT JUDGE